



An
Bord
Pleanála

Inspector's Report ABP-310684-21.

Development	Permission to demolish nightclub and construct 7 storey hotel.
Location	Ballyalley Lane, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	21/92.
Applicant(s)	Skeffington Arms Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Skeffington Arms Ltd.
Observer(s)	None.
Date of Site Inspection	20 th October 2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located to the rear of the Skeffington Arms Hotel which fronts onto the western side of Eyre Square in Galway City Centre. The wider area includes a variety of city centre uses, including bars, restaurants, retail shops, hotels and residential accommodation. The Skeffington Arms is a well-established hotel and public house which occupies a mid-terrace three storey building.
 - 1.1.1. To the rear of the building, lies Ballyalley Lane which has access from both Williamsgate St to the north-west and Eyre Square to the south. The lane has a pedestrian access from Williamsgate St, while vehicular access is provided for from Eyre Square. The lane has been developed and includes a number of uses, including residential and the nightclub which is to be demolished to accommodate the new hotel bedrooms. The site is currently connected to the Skeffington Arms via an enclosed glazed walkway at second floor level.
- 1.2. The site has a stated area of 0.04ha and is currently occupied by a building with a stated floor area of 1,060m². This existing building is occupied by the DNA Nightclub, which forms part of the Skeffington Arms Hotel business.

2.0 Proposed Development

- 2.1.1. Permission is sought, as per the public notices for the development which will consist of:
 - The demolition of the existing nightclub building (c.998.65 sq.m),
 - The construction of a new 7 storey building (over existing basement) (c.2,163.55 m² total floor area) providing 44 no. hotel bedrooms as an extension to the existing Skeffington Arms Hotel
 - Realignment structural consolidation and re-cladding of the existing, established second storey bridge linking to the main hotel building to provide an upper-level link between the existing hotel and the proposed extension.
 - The existing basement will remain in-situ, subject to minor layout and access alterations.

- The ground floor and sixth floors will also contain customer facilities including reception, foyer, restaurant, café/breakfast area, w.c. facilities, external terraces, storage, catering and staff facilities.
- All associated site development works, services, provisions and landscaping. Part of the proposed development is located within the Eyre Square Architectural Conservation Area and the site is adjacent to protected structures RPS Refs: 301 & 302

all at Ballyalley Lane, Galway.

2.1.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Applicants Statement
- Planning Report
- Architectural & Urban Design Statement
- Architectural Heritage Visual Impact Assessment
- Cultural Heritage Impact Assessment
- Visual Impact Assessment
- Shadow Cast Analysis
- Engineering Report
- Appropriate Assessment Screening Report
- Preliminary Demolition & Construction Management Plan

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to refuse planning permission for the development for the following stated reasons:

The Planning Authority decided to refuse planning permission for proposed development, for the following stated reasons:

1. The overall poor design including the scale, massing, height and low quality visual appearance of the proposed hotel extension, the resultant expression onto the city centre streetscape, the unacceptable interface with the neighbouring protected structures and impacting on the Eyre Square Architectural Conservation Area all contribute to the unacceptable nature of the development. The proposal would in its totality result in a negative impact on the unique character and visual amenity of the city centre area, including the character and special interest of the adjoining designated Eyre Square Architectural Conservation Areas and adjacent Protected Structures. In this regard, the proposed development would be contrary to the policies and objectives as provided for in the Galway City Council Development Plan 2017-2023, in particular in chapter 8, 10 and 11 and would be contrary to the proper planning and sustainable development of the City.
- 2.(a) As stated in Section 11.4.2 of the CDP, “*in general for new development, the maximum plot ratio permitted is 2:1*”. With the proposed gross floor area measuring some 2,163m², on a site of only 452m², the proposed development has a plot ratio of 4.78:1, which is substantially in excess of 2.0:1. The proposed development would therefore be contrary to the Galway City Council Development Plan 2017-2023 and to the proper planning and sustainable development of the area.
- (b) Notwithstanding Reason 2(a), the development would not be considered as an exception as provided for in Section 10.2.2 in that it would not make a “significant architectural contribution to the character of the city”. The exception to allowing any exceedance in the plot ratio is related to the contribution a new proposal would make in the context of good urban design. As this proposal is of poor architectural quality and would result in unacceptable design form including in the context of scale, massing and volume distribution and the overbearing nature of the proposed development, any argument for an increase in normal plot ratio standards is not open for consideration. The proposal therefore represents a material contravention of the provisions of the Galway City Council Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the City.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, planning history, national and regional policy and the City Development Plan policies and objectives. The report includes an Appropriate Assessment Screening Report.

The Planning Report notes the location of the subject site within the City Centre and in the context of the Eyre Square ACA and raises concerns in terms of the overall height of the proposed development, in the context of Ballyalley Lane. While acknowledging the applicants submission in terms of the need for the additional 44 bedrooms at the hotel in order to be competitive, the Planning Report considers that the proposed building fails on a number of levels in terms of high quality design and as such, is in conflict with the policies and objectives of the CDP. In this regard, the report concludes that the proposed hotel extension building, owing to scale, form and materials on this restricted site does not contribute to good urban design in the local area or to the character of the local area.

The report further considers that the density of the proposed development, of 4.78:1 is well in excess of the normal 2.0:1 allowed in the City Centre. Taking account of the NPF, it is considered that the development is substandard in terms of scale, design and would result in an over-dominant impact on Eyre Square. The development exceeds the plot ratio and has no justification in CDP policy. The benefit of the removal of the nightclub and the opening up of the laneway and Bastion walls does not outweigh the detrimental impact of the building on Ballyalley Lane, Eyre Square and the Eyre Square ACA. A building of much lower scale with direct animation onto Ballalley Lane would achieve this.

Issues raised in relation to the building height and while the submitted visual impact assessment concludes that the impact on Eyre Square would be minimal or obscured by trees, it is considered that the height and form of the building is unacceptable and have a considerable negative impact in the context of street, neighbouring protected structures and the ACA. In terms of impact to adjacent

properties, the PA considers that the proposed development is acceptable in terms of neighbouring development.

The Planning Officer concludes that the proposed development is unacceptable and recommends that permission be refused for the proposed development for 2 stated reasons. This recommendation formed the basis of the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports

Heritage Officer: The report submits that the demolition of the nightclub would be no loss as it would reveal part of the 17th Century Bastion (RM) which was partly obscured by the nightclub building. The Bastion has a cut stone string course. When the nightclub was built, a deep ditch with a rich layer of archaeology was found. There was no archaeological condition attached and a large deposit with dark 'Galway layer' soil shell, bone and medieval to post medieval pottery was removed.

Any subsurface work would need to be archaeologically monitored under licence and any repointing of the Bastion will require consultation with the NMS. In addition to the Bastion, there are two terraced houses which are Protected Structures which have to be protected while works are ongoing.

In terms of the proposed development, the report submits that the obtrusive and non-sympathetic structure is clearly unacceptable in this narrow medieval street and it is questioned if such a high building can be supported on the walls surrounding a basement, leaving the basement intact and not affect archaeology. A much lower building with more sympathetic materials is what is needed and it should have a nap plaster finish.

Archaeological testing is required before any decision on the application may determine the extent of the surviving deposit. A more scaled down, modest proposal for a building not exceeding

the height of those in the lane should be submitted and the development must provide far more archaeological assessment.

Climate Change & Environment Section: A report is noted with regard to waste management with conditions in relation to demolition waste recommended.

Chief Fire Officer: The report notes that the submitted proposal would not comply with the current Fire Safety Requirements with regards to issues in relation to inadequate means of escape from basement, cooking / kitchen enclosures, gas storage in stairway enclosures, space separation calculations should be provided and access for high reach fire appliances has not been demonstrated.

The report notes that the works will be subject to a Fire Safety Certificate Application to the Building Control Authority in the future but in the interim, the CFO advises that plans be resubmitted to remedy the identified deficiencies.

3.2.3. Prescribed Bodies

EHO: The application has been reviewed and it is requested that it be ensured all aspects and elements of Food Hygiene legislation are complied with.

3.2.4. Third Party Submissions

There are 3 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

1. Department of Defence:

- The report stated that given the proximity to the Renmore Barracks, operation of cranes should be coordinated with Air Corps Traffic Services no later than 28 days before use.

2. Cllr Owen Hanley:

- Preservation and enhancement of the right of way for pedestrians in Ballyally Lane should be paramount in any development of this scale. Any allowances

for 'on street' furniture should be carefully assessed in that context and a successful development should see part of the development contribution levy ringfenced for the restoration of the lane.

- The preservation of the Galway medieval skyline is also important. The materials to be used on the upper floors should be assessed and whether an alternative in-keeping with pre-existing surrounding context is possible.

3. James Roche Consulting Engineer on behalf of Hilary & Rochie Tynan;

- The adjacent property owners are not opposed to the development subject to due consideration being taken of their existing rights and their amenity. It is important that access is maintained at all times to Ballalley Lane for loading / unloading and for access and escape. That fire tenders could not make use of the Lane, a potential further fire safety risk needs to be considered.
- The site does not include all of the lands which relate to the Skeffington Arms Hotel. This should have been included in order to carry out a more detailed inspection in relation to site coverage, density, car parking requirements etc.
- Rights to an upper-level window might be compromised in the event of a permission and it is noted that there is some Asbestos within one of the adjacent derelict sites.
- Some structural issues arose when the development of the night club was being carried out due to the observer's property being a protected structure and of older construction. Concern is raised that any major construction may affect the older buildings.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 91/549: Permission granted for the erection of a mixed development comprising 2 apartments, bedrooms, function/dining room, glazed link and ancillary accommodation to form extension at the Skeffington Arms Hotel, Ball Alley Lane, Galway.

ABP ref: 61.091878 (PA ref: 93/286): Permission granted for erection of extension to comprise function room, glazed link and ancillary accommodation at the Skeffington Arms Hotel, Ball Alley Lane, Galway. (Appeal related to a condition only)

ABP ref: 61.092257 (PA ref: 93/411): Permission granted for erection of extension to comprise function room with use as inter alia, dining/bar/night club/conference room, 3 bedrooms, office, glazed link corridor and ancillary accommodation at the Skeffington Arms Hotel, Ball Alley Lane, Galway. (Appeal related to conditions only)

PA ref: 93/633: Permission granted for extension to Skeffington Arms Hotel to comprise 9 no. bedrooms on existing flat roof at second floor level, Ball Alley Lane, Galway.

PA ref: 95/443: Permission granted for (a) 2 storey extension to rear (b) provision of signage and minor changes to front elevation and (c) change of use of whole building from offices to hotel use, at 26 Eyre Square, Galway.

ABP ref: 61.220937 (PA ref: 06/459): Permission refused following an appeal to ABP for the erection of a new shop front, new signage fascia and upgrading to the existing front elevation at the Skeffington Arms Hotel, Eyre Square, Galway. The reason for refusal related to visual impacts on the amenity and streetscape character of the building in Eyre Square.

PA ref: 18/297: Permission and permission for retention sought for development which will consist of the following: 1. Permission for modification of existing escape doorway 2. Permission for retention for the following: (A) Two no. external fire escape stairs; (B) 5 no. fire escape doors; (C) Alterations to rear façade including roof opening for smoking area; (D) Associated façade alterations including canopy and Signage. The development is located within the Eyre Square Architectural Conservation Area.

Galway City Council issued a split decision, granting permission for the proposed timber cladding of the fire escape door, additional fire escape doors and the retention of the timber screen around the first-floor balcony. Permission was refused for the retention of the canopy over the rear doors for 1 reason relating to the impact of the canopy to be retained on the appearance of the building and the important streetscape within the Eyre Square ACA.

PA ref: 19/313: Permission refused for retention for 4 no. retractable canopies and associated development at DNA Nightclub, Ballalley Lane, Galway. The application site is located within the Eyre Square Architectural Conservation Area. There were three reasons for refusal cited relating to non-compliance with CDP, visual impact and negative impacts on residential amenity arising from lingering crowds in the late evening / early morning.

PA ref: 20/237: Permission granted for the development which consisted of the following: Permission for the refurbishment of two no. cottages including the reconstruction of partially collapsed chimney and external wall, internal alterations including the provision of a mezzanine floor and associated stairs and all other restoration works necessary to refurbish the cottages. This planning application relates to work to a protected structure (RPS 302), at Ballyalley Lane, Galway.

5.0 Policy and Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.1.1. The subject site lies adjacent to two protected structures, RPS refs: 301 and 302. As such, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.1.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage.

5.1.3. Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3.

5.2. **Urban Development and Building Heights Guidelines for Planning Authorities December 2018.**

5.2.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Galway City Development Plan

5.3. **Development Plan**

5.3.1. The Galway City Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is located in the City Centre and on lands zoned 'CC' City Centre where it is the stated objective 'To provide for city centre activities and particularly those, which preserve the City Centre as the dominant commercial area of the City'. The Board will note that tourist related developments are permissible on lands zoned Objective CC.

5.3.2. The site is located on Ballyalley Lane where the lane itself and the buildings on the eastern side of the lane is included within the Eyre Square Architectural Conservation Area. The subject site comprises the western boundary of the ACA. The subject site also lies within a zone of archaeological potential for Galway City.

5.3.3. The indicative plot ratio standard for Objective CC is 2:1. Section 11.4.2 of the CDP states that in “the CC zone consideration will be given to development proposals in excess of the normally permissible plot ratio where such proposals would contribute to urban regeneration or make a significant contribution to urban character, this excess will be interpreted as a proportional increase only”.

5.3.4. Chapter 8 of the Galway City Development Plan 2017-2023 deals with Built Heritage and Urban Design and the following policies and objectives are considered relevant in this instance:

- Section 8.2 of the Plan deals with Built Heritage and includes Policy 8.2 – Built Heritage - Record of Protected Structures
 - Encourage the protection and enhancement of structures listed in the Record of Protected Structures.
 - Ensure new development enhances the character or setting of a protected structure. Avoid protected structures becoming endangered by neglect or otherwise by taking appropriate action in good time.
 - Consult with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs regarding any planning applications relating to protected structures and national monuments.
 - Implement proactive measures to encourage the conservation of protected structures.
- Figure 8.8 of the CDP presents the Eyre Square Architectural Conservation Area and states as follows: Eyre Square is a significant historical civic space within the city, the green area (Kennedy Park) itself dates back to the mid-17th Century. The square comprises both historic and modern buildings with varying styles ranging from late Georgian to Victorian and modern. While significant intervention has taken place, it still retains the original form with a unified streetscape.
- Policy 8.3 -Architectural Conservation Area (ACA)
 - Encourage the protection and enhancement of the character and special interest of designated Architectural Conservation Areas.

- Prepare and implement management plans for the conservation and enhancement of designated Architectural Conservation Areas.
 - Complete the Eyre Square Architectural Conservation Area Management Plan
 - Ensure that developments within Architectural Conservation Areas enhance the character and special interest of the Architectural Conservation Areas.
- Section 8.5 of the CDP deals with Archaeological Heritage and it is the stated policy of the Plan to protect the archaeological heritage of the city. The subject site lies within the designated city centre Zone of Archaeological Potential.
 - Section 8.7 of the Plan deals with Urban Design and sets out a number of principles of good urban design as they relate to character, legibility, ease of movement and connectivity, quality of the public realm, continuity and enclosure, diversity and adaptability and environmental responsibility. The Plan further states:

Good architecture is essential in creating a good image of the city with a strong identity. The detailed design of a building and use of materials are important considerations. High quality architectural design is also important in the context of urban design having regard to the layout and intensity of blocks, plots and buildings. The density of development and the mix, type and location of uses are also key considerations.
 - Building height -The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city's skyline and impinge upon strategic views.
 - Policy 8.7 Urban Design - seeks to encourage high quality urban design in all developments and encourage innovation in architecture.

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code 000297) is located approximately 300m to the west of the site. The Galway Bay Complex SAC (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which are located approximately 500m to the south and east of the site.

5.5. EIA Screening

5.5.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.5.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.5.3. Item 12 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) deals with tourism and leisure and provides that mandatory EIA is required for the following classes of development:

- Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.

5.5.4. The proposed development seeks to demolish an existing building and construct a 7 storey over existing basement building which will comprises 44 hotel bedrooms associated with the Skeffington Arms on a site of 0.04ha. The site is located within an urban area that comes within the above definition of a “business district”, given its city centre location. The site is therefore substantially below the threshold of 2 ha for

a 'business district' locations. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.5.5. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.5.6. Having regard to:

- (a) the nature and scale of the development,
- (b) the built nature and urban location of the site,
- (c) the zoning afforded to the site and the availability of public services and infrastructure,
- (d) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The grounds of appeal are presented in relation to each issue and are summarised as follows:

- Reason No. 1:
 - The applicant disagrees that the proposal would result in a negative impact on the unique character and visual amenity of the city centre area, the Eyre Square AA and the adjacent protected structures.
 - The proposed infill development is a well-considered design providing appropriate architectural contrast to the PSs and ACA and will make a striking, positive contribution to the existing laneway which has been development in a piecemeal fashion.
 - Many other modern buildings are visible within the ACA skyline, which does not have a uniform height or parapet level.
 - Increased height and more compact development is encouraged by the NPF and Section 28 guidelines and a detailed justification for the development has been outlined in the Planning Report.
 - A heritage visual impact assessment was also prepared with the application to GCC and UrbanARQ have prepared a response to the reason for refusal.
 - The applicant owns the two protected structures adjacent to the site and has received planning permission for their refurbishment.
 - The proposed development is not contrary to the provisions of the CDP and accords with the CC zoning.
 - In light of the refusal, the design team now propose to omit the brise-soleil which is suggested will reduce the visual dominance and massing of the upper floors where visible. It is submitted that this addresses the concerns raised in the reason for refusal. (Visuals and drawings are presented to show the amended front elevation).

It is requested that Reason for Refusal no. 1 be set aside.

- Reason for Refusal No. 2:
 - With regard to part (a) of reason no. 2, the appellant disagrees with the PAs reliance on the CDP plot ratio standards in the reason for refusal.
 - There are numerous buildings in the city centre and around Eyre Square which exceed the plot ratio standard in the Plan and the existing building

on the site (to be demolished to accommodate the proposed new building) has a plot ratio of 2.5:1.

- The proposed hotel extension rises to seven storeys over basement which is considered reasonable for a city centre location and is in accordance with all national policies relating to building heights.
- With regard to part (b) of reason no. 2, the appellant disagrees that the architectural quality of the development would result in an unacceptable design form and will not make a significant architectural contribution to the character of the city.
- The appeal refers to the proposed omission of the brise-soleil to limit the materials used.
- The nightclub building to be demolished is not a historical building.
- The proposed extension is necessary to the satisfactory operation of the building and will provide additional bedrooms to allow the Skeffington Hotel to compete with larger out-of-centre hotels. With the proposed increase in hotel rooms (a total of 68 with the extension) this is still significantly below the number of bedrooms provided in many of the out-of-centre hotels.

It is requested that the development be permitted.

6.1.2. In addition to the above, the appeal submission responds to a number of minor concerns noted in the planning authority report as follows:

- The concerns of the CFO are noted, and solutions have been provided that could be implemented. Details are included.
- In relation to the third-party submissions, the following is noted:
 - A construction management plan will be prepared.
 - The pedestrian right of way will not be impacted by the proposed development and it is intended that the proposal will create a more pleasant space for pedestrians.
 - The brise-soleil have been removed addressing the concerns about materials.

6.1.3. It is requested that the appeal be upheld and that the Board grant permission for the proposed development. There are a number of enclosures with the appeal.

6.2. **Planning Authority Response**

The Planning Authority submitted a response to the First-Party appeal. The response is summarised as follows:

- It is submitted that the issues raised in the appeal have been given due consideration during the planning process.
- The Planning Authority request that the decision to refuse planning permission be upheld for the reasons outlined.

The following general comments are included in the response:

- The PA would concur that the local urban context is undergoing change, however this is a sensitive area directly adjoining and as a result of the excessive height proposed, is visible from the ACA.
- The assessment of views 1 and 2 emphasise the impact on Eyre Square as a result of the excessive height.
- It is also noted that the appellants are proposing the removal of the brise-soleil from the upper floors.
- While it is not disputed that the site has a regeneration value and has policy support for such re-use, they emphasise that the qualitative elements associated with the design need to 'reinforce local distinctiveness, identity, sense of place', 'need to contribute to promotion of continuity of street frontage and enclosure of spaces', 'contribute to aspects of urban design', 'make a significant contribution to the urban character'. In addition there are policy demands for new developments to 'enhance the character or setting of a protected structure'.
- In relation to the references to recent permissions, there is no real point raised based on a contextual analysis of the site, its relationships with adjacent development, associated constraints and the sequence of arriving at the most optimum design/use for the site.

- In relation to density concerns, notwithstanding the CDP and taking account of the NPD, the proposed development represents a substandard development in terms of scale, design and would result in an over dominant impact on Eyre Square. While an increase plot ratio may be open for consideration on the site, this is clearly linked to a high-quality architectural design that meets the criteria set out in the Plan (Section 8.7 in particular). There is no justification for the increase plot ratio.
- The precedents cited in terms of density are not comparable to the subject site.
- The City Council do not accept the justification set out that the applicant is obliged to match the number of bedrooms in other hotels in the city and all but 1 of the 5 listed are located outside of the city centre mostly on substantially larger sites.
- The noted submission in relation to the CFO requirements and the proposal to omit the brise-soliel do not overcome the City Councils fundamental concerns.

It is requested that the Board uphold the decision to refuse permission.

6.3. **Observations**

None.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Built Heritage & Visual Impacts
3. Cultural Heritage

4. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development site is located within Galway City Centre and on lands zoned CC in the Galway City Development Plan 2017-2023, where it is the stated objective 'to provide for city centre activities and particularly those, which preserve the City Centre as the dominant commercial area of the City'. The Board will note that tourist related developments are permissible on lands zoned Objective CC.
- 7.1.2. The proposed development seeks to demolish the existing building on the site and construct a seven-storey building which will comprise an extension to the existing and long-established Skeffington Arms Hotel, which fronts onto Eyre Square. The existing building on the site rises to three floors, with an overall ridge height of 11.65m at its highest point. The building is occupied by a night club which has been in place, under a number of iterations since the building was constructed in the 1990s and is connected to the Skeffington Arms Hotel via an enclosed glazed pedestrian bridge at second floor level.
- 7.1.3. The Board will note that the planning authority refused planning permission for the proposed development for two reasons. Reason for refusal no. 1 relates to the 'overall poor design including the scale, massing, height and low-quality visual appearance of the proposed hotel extension, the resultant expression onto the city centre streetscape, the unacceptable interface with the neighbouring protected structures and impacting on the Eyre Square Architectural Conservation Area' all of which, 'contribute to the unacceptable nature of the development'. Reason for refusal no. 2 raised concerns in terms of the plot ratio of 4.78:1, which is substantially in excess of 2.0:1 prescribed in the CDP and noted that 'the development would not be considered as an exception as provided for in Section 10.2.2 in that it would not make a "significant architectural contribution to the character of the city"'.
- 7.1.4. I note that the principle of the proposed development is not argued. In terms of national policy, I would accept that the proposed development accords with the thrust of the National Planning Framework which seeks to deliver regeneration projects to extend and intensify the city centre and support employment opportunities. I would also agree that the development, if permitted will increase the

number of tourist beds in the city centre and given the location of the site, proximate to the main train and bus station, will ensure the integration of safe and convenient alternatives to the car.

- 7.1.5. In terms of the Regional Spatial and Economic Strategy 2019-2031 for the Northern and Western Regional Assembly area, I note the growth target of 50% for Galway City. The metropolitan area of Galway City will need to accommodate a greater proportion of development in order to ensure the city becomes a city of scale. The RSES notes that County Galway is 'the dominant destination within the region', and I consider that the proposed hotel extension will support the aim to provide for increased tourist numbers into the future.
- 7.1.6. Having regard to the information presented, together with my assessment of the current Galway City Development Plan, I consider that the principle of the proposed development can be deemed acceptable. I would note that the layout of the proposed building suggests that it might operate independently from the Skeffington Arms Hotel given the proposed reception, restaurant and breakfast areas. However, I do not consider this to be a significant matter in terms of the principle of the development. There are site specific issues which will require to be considered. Such matters are addressed further below.

7.2. Built Heritage and Visual Impacts

- 7.2.1. The proposed development seeks to demolish the existing building on the site and construct a seven-storey building which will comprise an extension to the existing and long-established Skeffington Arms Hotel. The Skeff fronts onto Eyre Square and currently has 24 bedrooms along with the large and popular bar.
- 7.2.2. The existing building on the site rises to three floors, with an overall ridge height of 11.65m at its highest point. The building is occupied by a night club which has been in place, under a number of iterations since the building was constructed in the 1990s and is connected to the Skeffington Arms Hotel via an enclosed glazed pedestrian bridge at second floor level. On Ballalley Lane, there is a variety of uses, including a ground level access to the Skeff Bar and hotel, as well as service facilities associated with the hotel and other businesses in the area. In addition, there are a number of residential properties, and the buildings on the Lane rise to between

two and four storeys, and the Eyre Square Centre which has a pedestrian access only from Willimasgate Street to the north-west and vehicular access from Eyre Square to the south-east of the site. Ballyalley Lane has a width of approximately 6m. I also note that the Lane is home to a number of protected structures including a segment of the 17th Century Bastion and two former Artisan Cottages, RPS refs: 301 and 302.

- 7.2.3. Much of the planning authority's decision and the subsequent appeal centres on the suitability of the proposed building design, scale, massing and height and the visual impact of the proposed design on the surrounding area, particularly the adjacent Protected Structures and the Eyre Square Architectural Conservation Area.
- 7.2.4. The proposed building on the site will provide for an additional 44 bedrooms, with 9 rooms each on the 1st, 3rd, 4th and 5th floors and 8 rooms on the 2nd floor. The pedestrian bridge, connecting the existing hotel to the proposed extension will be located at 2nd floor level. At ground floor level, the proposed building includes a lobby and reception area as well as a large breakfast area with external seating proposed between the Bastion wall and the proposed new building to the north. A further table / seating area is located to the southern area of the proposed building. A restaurant with external terraces is proposed at 6th floor level.
- 7.2.5. The building will rise to an overall height of approximately 23.8m and will include a flat roof. This height is twice that of the existing Skeff Hotel building. The external finishes include a mixture of materials including rendered plaster, panel cladding, stone, zinc cladding and a metal brise-soleil system to the top two floors. Windows and external doors will comprise aluminium curtain wall system, PVC or ALUCLAD windows and the roof terrace will be enclosed using clear toughened frameless glass with an aluminium frame. In addressing the overall proposed design, I would note that the justification submitted by the applicant for the increased number in hotel bedrooms from a commercial competitive viewpoint. I do not consider such matters to be a determining factor for the Board.
- 7.2.6. The Board will note that the applicant, as part of the First-Party appeal, submitted proposals to amend the design of the building further by omitting the brise-soleil to reduce the potential visual impact associated with this element. I also note the Architectural response to Refusal item no. 1 of the PAs decision, which seeks to

explain the sensitive and considered architectural criteria behind the design, the rationale along with the broader urban empathetic nature of the proposed development. I acknowledge the concerns raised in terms of what is described as 'a strong and unsubstantiated opinion' formed by the PA.

- 7.2.7. The proposed building is to be located on Ballalley Lane which is a narrow laneway which provides pedestrian access from Williamsgate Street to the north-west and vehicular access from Eyre Square. The lane, while including a residential element, would not comprise a pedestrian friendly environment in my opinion, and is more akin to a service lane for a number of the businesses which front onto both Eyre Square and Williamsgate Street. That said, I do acknowledge that there is an entrance to the Skeff Bar from the lane and, when open, the lane provides access to the nightclub, which is to be demolished to accommodate the proposed development. I acknowledge the location of two artisan cottages and the Bastion immediately adjacent to the subject site, both included in the RPS. The existing building on the site is not of a particular architectural merit and its demolition is not objectionable.
- 7.2.8. I would note that I do not have any objection in principle to the proposed design of the hotel extension as proposed. I would agree that the removal of the brise-soleil from the upper floor levels reduces the pallet of materials, simplifying the modern design and is more appropriate to this city centre location. I note the concerns raised by the Planning Authority in terms of the proposed design and in particular, to the density / plot ratio of the proposed building on this restricted site. The development, if permitted as proposed, will represent a plot ratio of 4.78:1 on a site where the Galway City Development Plan, Section 11.4.2 refers, states that 'the maximum plot ratio permitted is 2:1'. I note that the Plan also advises that a higher plot ratio may be necessary on infill development sites 'in order to maintain a uniform fenestration and parapet alignment or to obtain greater height for important urban design reasons'. The PA is not satisfied that the proposed development is justified in the context of these CDP policy requirements.
- 7.2.9. While I propose to address the issue of overall height of the building further below, I would submit that the overall design of the proposed development, in terms of the built heritage of Ballalley Lane, will improve the situation as the new building will be set back from the Bastion and the two artisan cottages, protected structures, and

that the proposed external seating area at ground floor level, together with the proposed roof-top restaurant, will encourage more pedestrian activity along the lane and within the public realm. At present, pedestrian activity would appear to be restricted to patrons of the nightclub, when open, in the evening / early morning. From a design viewpoint, I consider this element of the development to be acceptable and appropriate to the context of the lane. Overall, I also note the proposed pallet of materials to be employed and would consider that the use of the stone as an homage to the Bastion, as well as modern materials to the façade of the building is both appropriate and acceptable. In principle therefore, I have no objection to the proposed design of the hotel extension. I will address the overall height of the proposed hotel extension further below.

7.2.10. Section 3 of the 'Building Height Guidelines' sets out the principles for the assessment of applications, which should adopt a general presumption in favour of increased height in town/city cores and urban locations with good public transport accessibility, which is a key consideration at the scale of the relevant city/town. Having regard to the city centre location of the site and its proximity to Eyre Square and Ceannt Rail and Bus Station, and frequent bus services in the area connecting wider parts of Galway City and beyond, I consider that, in principle, increased height and density should be encouraged at this location.

7.2.11. Notwithstanding this, it is important that any such proposal responds positively to its context and protects the character of an area, particularly in relation to Protected Structures and Conservation Areas. Section 3.2 of the Building Height Guidelines includes further criteria for assessing proposals in this regard. In summary, the relevant criteria states that developments should:

- Integrate into / enhance the character and public realm of an area
- Respond to the overall natural and built environment
- Avoid monolithic appearance in terms of form and materials
- Improve legibility and integrate in a cohesive manner
- Contribute to the mix of uses and/or building/dwelling typologies.

7.2.12. The challenge of integrating new development within existing neighbourhoods is acknowledged, particularly in the present case which involves an ACA and a number

of Protected Structures immediately adjacent to the site. The context of the laneway location of the site is also a consideration. In this regard section 13.8.3 of the 'Architectural Heritage Guidelines' outlines that the impact of proposals will depend on location; the character and quality of the protected structure / ACA; its designed landscape and its setting. I will consider the above criteria in assessing the impact of the development on adjacent protected structures and the Eyre Square ACA below.

7.2.13. The applicant, as part of the suite of planning documents submitted with the planning application, included a Heritage Visual Impact Assessment and a Cultural Heritage Impact Assessment. These documents acknowledge while the City Development Plan sets out the criteria for assessing development proposals in terms of the capacity for height, the CDP was published prior to the Building Height Guidelines for Planning Authorities in 2018. As such, the CDP has not been updated in the context of the said guidelines. It is further submitted that the permitted development for the 'Augustine Hill' development, to the south-east of the subject site and Eyre Square, has set a new benchmark for heights in the surrounding area and the visual impact of same on Eyre Square.

7.2.14. The Heritage Visual Impact Assessment notes that the proposed development has the potential to impact on three principal townscape character areas as follows:

- William Street & Williamsgate Street Shopping Precinct:
 - This area lies to the west and south-west of the subject site and includes the pedestrian area of Shop Street. Williamsgate Street is partly located within the Eyre Square ACA and Willimas Street is located within the City Core ACA.
 - This area of the city is categorised as being of high sensitivity in terms of landscape capacity.
- Ballalley Lane and the immediate site context:
 - The laneway is essentially narrow and pedestrian in character, with limited vehicular access from Eyre Square.
 - As the nightclub building does not contain any historic fabric, its demolition is not considered further in the report.

- The laneway is categorised as being of low sensitivity in terms of landscape capacity.
- Eyre Square:
 - The square is an open city centre public park, with only the western side being pedestrianised.
 - The significance and sensitivity of Eyre Square as an ACA is noted in the CDP that 'The square comprises both historic and modern buildings with varying styles ranging from late Georgian to Victorian and modern. While significant intervention has taken place, it still retains the original form with a unified streetscape.'
 - The square is categorised as being of high sensitivity in terms of landscape capacity.

7.2.15. The applicant makes a case for the additional height in the context of Eyre Square noting that the scale of the square varies considerably from the single storey frontage of the Dunnes Stores building at the northern side of the square to the five-storey former railway hotel at the southern end of the square. It is submitted that part of the character of the square is its lack of any coherence in terms of uniform scale or parapet height, noting that significant scale shifts occur between adjoining buildings even belonging to the same periods of development. It is further submitted that if the Augustine Hill development proceeds as planned, this will establish a new reference for scale within Galway and Eyre Square.

7.2.16. In terms of the significance of the visual impact associated with the proposed development, the applicant included a suite of photomontages. I note that the worst-case scenario is presented. A series of 13 views were considered as part of the assessment which concludes that the views towards the site, particularly long-range views over Eyre Square represent a high impact with a very significant visual effect. Views from other areas of the city range from negligible to medium impacts. A justification for the proposed scheme is presented and summarised as follows:

- A scale in excess of four storeys has been established to Ballalley Lane and to other developments near the square.

- It would be expected that this development would at least match the established shoulder heights in the context of the Lane.
- The impact of the development is mitigated by the tree planting to Eyre Square and would be further mitigated in summer full foliage.
- The design has been amended to incorporate a publicly accessible restaurant level at the top floor which will provide amenity with views towards Eyre Square. The restaurant will also act as an additional high-level active public frontage for the Skeffington Arms Hotel to Eyre Square.
- The design of the upper floor has been amended to a more transparent design to allow the upper floors to recede above the ridge levels of the existing frontage and provide a lighter treatment.

7.2.17. Having inspected the site, I acknowledge that height variations occur within the wider Eyre Square ACA, and I note the comparisons / precedents identified by the First-Party in this regard. However, I would not accept that the context of the precedents cited are in any way comparable to the subject site, or indeed, using said examples to justify the proposed height of the hotel extension building on Ballalley Lane, address the nuances of the subject site. Of note, I would suggest that the example of the Meyrick Hotel as being comparable is inaccurate in terms of the subject site, given the prominent location of the stand-alone nature of the protected structure in the context of Eyre Square. In addition, I note the scale of the proposed Augustine Hill development on a large land bank associated with Ceannt Station, however, again, the context of this development is substantially different to the current proposed development site.

7.2.18. The proposed building will rise significantly above the terrace of three storey buildings which form the western boundary of Eyre Square, the proposed building being twice the height of these existing buildings. The visual impact of the proposed building is clearly depicted in the submitted photomontages and I would agree with the Planning Authority that if permitted, the development would negatively impact on the unique character of the Eyre Square ACA, and the visual amenity of the city centre skyline in this area of the ACA, as well as the public amenity space Eyre Square.

7.2.19. I would agree with the applicant / appellant, that a building with a height which reflects that already present on Ballalley Lane should be considered acceptable. The buildings on the Lane generally rise to four storeys in height. However, and should the Board be minded to grant permission in this instance, I recommend that the proposed hotel extension building should have a maximum of 5 storeys, with the omission of the 4th and 5th floors, and 18 bedrooms, or the 4th and 6th floors, which would see the omission of 9 bedrooms and the rooftop restaurant. The removal of these floors would still result in a building which will exceed the overall height of the buildings fronting onto Eyre Square but will reduce the visual impact to an acceptable level, in my opinion.

7.3. Cultural Heritage

- 7.3.1. The Cultural Heritage Impact Assessment sets out the history of Ballalley Lane and includes a photograph of the section of the Bastion which still exists. The site is located within the Historic Town, National Monument, RMP ref: GA094-100----, while the town defences (Bastion) is identified as a National Monument, RMP ref: GA094-100001-. The segment of the Bastion immediately adjacent to the subject site is included in the Record of Protected Structures, RPS no. 301. In addition, the two artisan cottages which are located immediately adjacent to the subject site, and are within the ownership of the applicant, are also identified as protected structures, RPS no. 302.
- 7.3.2. The Board will note that a number of buildings which front onto Williamsgate Street, and lie immediately adjacent to the subject site, are also identified within the RPS. The Cultural Heritage Impact Assessment includes a number of helpful photographs which show the extent and proximity of the Bastion and protected structures in the context of the subject site.
- 7.3.3. Section 2.6 of the CHIA concludes that while a cellar built at the south side of the nightclub may have erased any historic remains in this area, there is potential for archaeological features and deposits to be present within the area of the proposed development. Section 2.7 of the report considers the potential direct impacts of the development on recorded monuments, unrecorded archaeological monuments and architectural sites, while Section 2.8 sets out the potential impacts on setting, which are primarily visual impacts.

- 7.3.4. Section 3 of the report deals with mitigation measures and residual impacts associated with the proposed development on the cultural heritage of the area. Recommended mitigation measures include archaeological testing, architectural recording, archaeological monitoring and if necessary, excavation and preservation of features in situ. The report further notes that the designs of the buildings footings or foundations will be guided by any archaeological features that may be present and it is anticipated that any substantial works below the present ground level have the potential to impact upon archaeological deposits. The Board will note the concerns of the Galway City Council Heritage Officer, particularly with regard to the archaeology of the site. I note the opinion that archaeological testing should be required before any decision is taken on the application. As there is an existing building on the site however, the applicant submits that no predevelopment testing can be undertaken, and mitigation measures can only be implemented once the current building has been demolished and the site cleared.
- 7.3.5. In terms of Cultural Heritage impacts, I consider that the applicant has undertaken a full and robust assessment. I am satisfied that in the mitigation measures set out are both appropriate and considered in the context of the proposed development. In the event of a grant of planning permission in this instance, a condition should be attached to require that the developer fully comply with the mitigation measures as set out and that all monitoring and testing, if necessary, shall be carried out by a suitably qualified archaeologist under licence from the NMS.

7.4. Appropriate Assessment

Introduction:

- 7.4.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 7.4.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site

in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site.

7.4.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

7.4.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

7.4.5. Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

Consultations and Observations

7.4.6. I note that third-party submissions raised concerns in terms of AA.

7.4.7. The PA concluded that no issues relating to AA arise with regard to the proposed development.

Screening for Appropriate Assessment

7.4.8. The site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code 000297) is located approximately 300m to the west of the site. The Galway Bay Complex SAC (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which are located approximately 500m to the south and east of the site.

7.4.9. The applicant initially submitted an Appropriate Assessment Screening Report, prepared by McGill Planning, with the planning application which noted that the site is not located within any designated site. I note that the proposed development is not

directly connected or necessary to the management of a European Site. The submitted AA Screening Report identified the 9 Natura 2000 sites within 15km of the subject site, as follows:

Site Name	Site Code	Assessment
Lough Corrib SAC	004042	Site is located entirely outside the EU site and therefore there is no potential for direct effects.
Galway Bay Complex SAC	000268	
Inner Galway Bay SPA	004031	No habitat loss arising from the proposed development.
Lough Corrib SPA	004042	
Cregganna Marsh SPA	004142	No disturbance to species.
Connemara Bog Complex SAC	002034	No pathways for direct or indirect hydrological effects.
Lough Fingall Complex SAC	000606	
East Burren Complex SAC	001926	
Ross Lake & Woods SAC	001312	
		Screened Out

7.4.10. The Board will note that the submitted AA Screening Report sets out the full details of the Qualifying Interests associated with each of the above Natura 2000 sites in the table at pages 6 to 11 of the report. No site is screened in for the purposes of AA, based on the Assessment Criteria set out in part (C) of the report. In this regard, I would note that the proposed development seeks to demolish the existing building on the site and replace it with a new seven storey structure. The proposed development will retain the existing basement structure and as such, I would advise that the entire site comprises artificial surfaces and buildings. There is no virgin ground which is to be disturbed.

Potential Significant Effects

7.4.11. The AA Screening report submits that as the subject site, and proposed works, are located outside the boundary of any European Site, there is no potential for direct effects on the Qualifying Interests of the identified Natura 2000 sites. With regard to

the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** There shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Water Quality:** It is proposed that the development will connect to the existing surface and foul water drainage network. The potential for the development to have an effect on any Natura 2000 site is therefore excluded. While I would note that aquatic habitats may be indirectly altered in the event of pollution or sediment runoff, primarily during the construction phase, there is no hydrological pathway from the site to any designated site and therefore, and subject to best practice construction methods as proposed, no potential adverse effects are considered likely.
- **Cumulative / in-combination Impacts:** Given the nature of the proposed development, being the demolition of an existing building and the construction of a 7-storey hotel extension, I consider that any potential for in-combination effects on any designated site can be excluded. In addition, I would note that all other projects within the wider Galway City area which may influence conditions in proximate Natura 2000 sites via potential surface water features are subject to AA. I am satisfied that there is no potential for adverse effects on any European Site.

Conclusion on Stage 1 Screening:

7.4.12. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites.

7.4.13. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal, individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to identified Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or

projects on a European Site. As such, and in view of the identified Natura sites' Conservation Objectives, a Stage 2 Appropriate Assessment is not required for these sites.

8.0 Recommendation

Arising from my assessment above I recommend that the decision of the Planning Authority in this instance be overturned, and that planning permission be granted for the proposed development subject to the reduction in the overall height of the proposed hotel extension building from 7-storeys to a maximum of 5-storeys, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area and the provisions of the Galway City Development Plan 2017-2023, the location of the site in the centre of Galway City and the pattern, character and nature of existing and permitted development in the area and the proximity to significant public transport facilities, it is considered that the proposed development, subject to compliance with conditions set out below, would constitute an appropriate development at this location, would not seriously injure the amenities of the area, property in the vicinity and would be acceptable in terms of urban design and surrounding general amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the information submitted on the 6th day of April 2021, and as amended by plans and particulars received by An Bord Pleanála on the 28th day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The building shall be reduced by two floors, with permission granted for a maximum of 5 (five) storeys.
 - (b) The brise-soleil shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and the protection of the integrity of the Eyre Square Architectural Conservation Area and protected structures.

3. Prior to the commencement of development details of all external finishes to the proposed development including details of external landscaping arrangements at all levels, external lighting and public realm finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenities.

4. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposal. The construction materials and details shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interest of the visual amenities of the area.

5. No additional development shall take place above roof level including lift motors, air handling equipment, storage tanks, ducts or other external plant

other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

6. Full details of all external signage for the hotel and the bar/restaurant shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The external signage for the hotel which shall be for informational purposes only shall consist of individual lettering of an appropriate scale details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to restrict the extent of advertising signage in the area.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (or any statutory provisions amending or replacing them), no further advertisement signs (including signs installed to be visible through the windows), advertising structures, banners, canopies, flags or other projecting elements other than those agreed in writing with the planning authority prior to the commencement of development shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and to allow the planning authority to assess any further signage or advertisements through the statutory planning process.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Friday inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. Prior to the commencement of development the developer shall submit to and agree in writing with the planning authority a plan containing details for the management of waste (and in particular recycle materials) within the development including the provision of facilities for the storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of the development. No raw materials, finished or unfinished product or parts, crates, packaging materials or waste shall be stacked or stored on the site at any time except within the curtilage of the building or storage areas as may have been improved beforehand in writing by the planning authority.

Reason: To provide an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment and in the interest of the amenity of the area.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

13. The applicant shall comply with the following conservation requirements.
- (a) The developer shall fully comply with the mitigation measures as set out in the Cultural Heritage Impact Assessment. Full details of each stage of the development shall be provided to the planning authority and agreed in writing by the Galway City Council Heritage Officer in advance of works commencing on site.
 - (b) A conservation professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site, including the demolition and site clearance works, and to ensure adequate protection of the historic fabric during works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure or fabric.
 - (c) Measures to ensure the protection of the protected structures north of the development during construction shall be submitted for the written agreement of the Galway City Council Heritage Officer in advance of works commencing on site.
 - (d) Following the clearance of the site, the standing 17th century bastion wall to the north and northwest of the site, part of the town defences (SMR GA094-100001, RPS ref 391) shall be fully documented involving architectural documentation and surveying using photogrammetry.

Reason: To protect the character and integrity and setting of the adjacent national monument and protected structures.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

A. Considine
Planning Inspector
12th December 2021